

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAN 03 2011

JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that Defendants' Motion to Dismiss and Motion for Summary Judgment (Dkt. No. 55) is **GRANTED in part and DENIED in part**. Defendant's motion is **DENIED** with regard to Johnson's claim of excessive force against Officers Taylor and Welch arising from the September 21, 2007, incident, and that claim is allowed to proceed. All of Johnson's remaining claims, are **DISMISSED**. The parties may participate in any future hearings or trials in this case by video conferencing as far as practicable.

The Clerk of Court is directed to send a copy of this Order and accompanying Memorandum Opinion to Plaintiff and counsel of record for Defendants.

ENTER: This 3rd day of January, 2011.


James L. Ture
Senior United States District Judge